

From: [REDACTED]
To: [Immingham OCGT](#)
Cc: [REDACTED]
Subject: VPI Immingham OCGT – EN010097 [CRSLLP-WORKSITE.FID280314570]
Date: 30 October 2019 17:05:41

VPI Immingham OCGT – EN010097

Dear Sirs

This email is the formal written response of Air Products (BR) Limited (reference number 20022373) (“**APBR**”) to the Examining Authority’s Rule 17 Letter dated 24 October 2019.

Our client’s response to **question ExQ1a.5** is as follows:

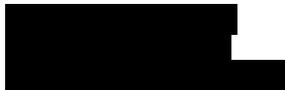
- The position as regards any formal response to the submissions made by APBR is unchanged since the submission of its detailed written representations on 12 September 2019;
- Over the course of a number of months, strictly without prejudice to its open position, APBR has been negotiating with the applicant terms that, if concluded in terms satisfactory to APBR, would provide sufficient comfort to APBR to allow it to withdraw its opposition to the proposed development consent order;
- However, those terms have not been concluded yet and APBR await further response from the applicant in response to APBR’s further proposals in that regard;
- The applicant has indicated that it anticipates being in a position to provide further comment in the early part of this week although APBR is concerned that time is now running short given the anticipated hearings in early December;
- As was indicated in APBR’s written representations, APBR remains willing to engage in constructive dialogue with the application for early agreement in respect of the DCO, however, until this process has been completed or negotiations have been exhausted, APBR’s objection to the DCO remains on foot;
- Should agreement with the applicant not prove possible, it remains APBR’s view that it will need to give oral evidence to add to the evidence already summarised in the written representations on a number of areas including, but not necessarily limited to:
 1. The need for the applicant to demonstrate that the DCO will not compromise or risk the integrity and/or maintenance needs of APBR’s own gas pipeline infrastructure and/or such infrastructure in respect of which APBR has rights (and which is vital to the local energy industry);
 2. APBR’s position that the compulsory acquisition of land and rights in the terms proposed is not proportionate or necessarily;
 3. The failure of the applicant to account for existing infrastructure belonging to and/or otherwise used by APBR and the failure to ensure that APBR is granted sufficient rights and interest to maintain its use;
 4. The failure of the applicant to ensure that suitable protective provisions are provided to ensure that the consistency of supply, safe use and maintenance of the existing infrastructure belonging to and/or otherwise used by APBR can (and will) be safeguarded;
 5. The substantive concerns held by APBR as to the lack of properly and substantive clarity regarding the construction process, disturbance and duration such that APBR cannot have sufficient comfort that the DCO, if granted, would allow APBR’s operations to continue safely and economically;

6. The failure by the applicant to address the technical questions raised by APBR;
 7. The applicant's consultation and Rochdale Envelope obligations; and
 8. The applicant's refusal to pay any or any adequate costs;
- APBR reserves its right to add to or otherwise amend the list of matters upon which it intends to give oral evidence in due course; and
 - In addition to giving evidence, APBR also considers it vital that it is able to hear and cross examine the evidence of the witnesses for the applicant. APBR also needs to be able to oppose and respond to the evidence that is adduced by the applicant (and it is therefore vital that the witnesses able to comment on those issues on behalf of the applicant are in attendance).

We trust that this provides sufficient detail for your purposes but should you require anything further, please confirm by return.

Yours faithfully

Richard Flenley | Senior Associate
for and on behalf of **Charles Russell Speechlys LLP**



From: Immingham OCGT <ImminghamOCGT@planninginspectorate.gov.uk>
Sent: 24 October 2019 10:32
To: Richard Flenley [Redacted]
Subject: VPI Immingham OCGT – EN010097

VPI Immingham OCGT – EN010097

Dear Sir/ Madam

Your Reference: 20022373

Please find below a link to the Rules 9, 8(3) and 17 letter giving notice of the procedural decision made by the Examining Authority. This includes notification of change to the Examination Timetable and Request for Further Information:

<https://infrastructure.planninginspectorate.gov.uk/document/EN010097-000550>

If this link does not automatically work, please proceed to cut and paste the link into your browser.

You can also view the letter on the project page of the National Infrastructure Planning website: <https://infrastructure.planninginspectorate.gov.uk/projects/north-east/vpi-immingham-ocgt/?ipcsection=overview>

Yours Faithfully,

VPI Immingham OCGT Project Team
Email: ImminghamOCGT@planninginspectorate.gov.uk
Telephone: 0303 444 5000
Web: <https://infrastructure.planninginspectorate.gov.uk>

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